

EXHIBIT C

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK
CENTRAL ISLIP DIVISION**

APTIVE ENVIRONMENTAL, LLC,

Plaintiff,

v.

**VILLAGE OF EAST ROCKAWAY,
NEW YORK,**

Defendant.

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No.: 2:19-cv-03365-SJF-SIL

**RESPONSES TO PLAINTIFF'S FIRST SET OF DISCOVERY REQUESTS
TO DEFENDANT, THE VILLAGE OF EAST ROCKAWAY, NEW YORK**

Defendant Incorporated Village Of East Rockaway, New York ("Village") hereby responds as follows:

INTERROGATORIES

INTERROGATORY NO. 1:

Identify all documents, witness statements, studies, analyses, data, accounting reports, legislative findings, police reports, Village Clerk memoranda, or other information of any kind upon which the Village relied or which it consulted to determine the \$200 Fee amount.

RESPONSE:

Other than the work product of the Village Attorney, no such documents exist.

INTERROGATORY NO. 2:

Identify each Village employee, Village representative, Village official, or third party involved or consulted by the Village in determining the \$200 Fee amount, providing the contact information of each.

RESPONSE:

John E. Ryan, Village Attorney.

INTERROGATORY NO. 3:

Identify every background check service and private investigator service, and the fees charged by each for an individual background check, that were considered by the Village in determining the \$200 Fee amount.

RESPONSE:

Other than the work product of the Village Attorney, none.

INTERROGATORY NO. 4:

Describe in detail each step involved in the Village Clerk's processing of and decision to approve or deny a solicitor license application.

RESPONSE:

The Village Clerk has not yet approved or denied a solicitation license application under the amended Code.

INTERROGATORY NO. 5:

Identify each expense incurred by the Village in processing, investigating, and denying a solicitor license application, listing the approximate dollar amount of each.

RESPONSE:

- (a) Criminal background check (\$100)
- (b) Intake/review of application, etc. (\$50 to \$75)
- (c) Maintenance of No-Knock List (\$50 to \$75)
- (d) Enforcement (\$50 to \$75)

INTERROGATORY NO. 6:

Identify each expense incurred by the Village in processing, investigating, and approving a solicitor license application, listing the approximate dollar amount of each.

RESPONSE:

See Response to Interrogatory No. 5, supra.

INTERROGATORY NO. 7:

Describe in detail each difference between the current version of the Village Code Chapter 171 and the current version of Chapter 47 of the Village Code of Floral Park, New York.

RESPONSE:

There are no substantive differences between the two Codes. Both Codes were based upon the “model code” provided by Plaintiff’s former counsel, Jeremy Fielding, Esq.

INTERROGATORY NO. 8:

Identify any calls to the East Rockaway or Town of Hempstead Police Department for service in response to door-to-door solicitation in East Rockaway, including (1) the date and time of the call; (2) whether the call resulted in any action taken by the police; and (3) the nature of any action taken by the police (e.g., arrest, citation, etc.)

RESPONSE:

Neither the Village of East Rockaway nor the Town of Hempstead have a police department.

INTERROGATORY NO. 9:

Describe in detail the process undertaken by the Village in drafting and amending Chapter 171 of the Village Code in 2019. Include in your own answer each person involved in the drafting and amendment process, as well as a description of his/her involvement.

RESPONSE:

The Village Attorney. See Response to Interrogatory No. 7, supra.

RESPONSE TO REQUESTS FOR PRODUCTION

1. Other than the work product of the Village Attorney, no such documents exist.
2. Other than the work product of the Village Attorney, no such documents exist.
3. No such documents exist.

4. No such documents exist.
5. Other than the work product of the Village Attorney, no such documents exist.
6. No such documents exist. The “twenty-five dollar process fee” was mistakenly included in the amended Code. This scrivener’s error will be eliminated when the Code is re-amended next month.
7. No such documents exist as no solicitation licenses were sought or issued in 2018.
8. No such documents exist as no solicitation licenses were sought or issued in 2019.
9. Other than the work product of the Village Attorney, no such documents exist.
10. No such documents exist.
11. Other than the work product of the Village Attorney, no such documents exist.

RESPONSE TO REQUESTS FOR ADMISSIONS

1. Admit.
2. Deny.
3. Admit.
4. Deny.
5. Deny.
6. Deny.
7. Deny.
8. Deny.
9. Admit.
10. Admit.
11. Deny.
12. Deny.
13. Admit.

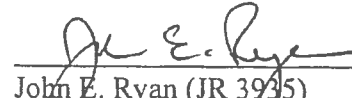
14. Admit.

15. Admit.

16. Admit.

Dated: January 6, 2020

Respectfully submitted,



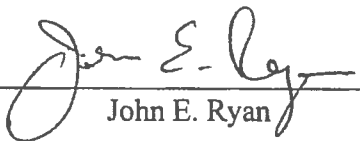
John E. Ryan (JR 3935)
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CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2020 a true and correct copy of the above and foregoing
RESPONSES TO PLAINTIFF'S FIRST SET OF DISCOVERY REQUESTS TO
DEFENDANT, THE VILLAGE OF EAST ROCKAWAY, NEW YORK was served on all
counsel of record via electronic mail on January 6, 2020 as follows:

Via Electronic Mail
ccowan@lynllp.com
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(214) 981-3800

Attorneys for Plaintiff
Aptive Environmental, LLC



John E. Ryan